

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 3-9, 11, 19, 21-27, 29, 37, 39-45, 47, 55, 57-63, 65 and 73 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Claims 2, 20, 38, and 56 are canceled.

Claims 2, 20, 38, and 56 were objected to as being of improper dependent form because their limitations were already included in the independent claims. Accordingly, these claims have been canceled.

Claims 1-2, 9-11, 19-20, 27-29, 37-38, 45-47, 55-56, 63-65, and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by Matsumoto et al. (U.S. Patent 6,677,992). However, in the present invention, "said coefficient being selected for each image based on the exposure condition of that image;" (Claims 1, 19, 37, 55, and 73) The coefficient used for each image is selected from a set of predetermined coefficients on the basis of the exposure conditions for that image. (Specification page 24, lines 2-10) For example, for an image taken with a long

exposure time, a larger valued coefficient is selected than for a shorter exposure time image.

Applicants respectfully submit that Matsumoto does not disclose selecting a coefficient based on the exposure time as required in the present claims. Therefore, for at least this reason, Matsumoto fails to anticipate the present invention and the rejected claims should now be allowed.

Claims 3-5, 21-23, 39-41, and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of Fukuda et al. (U.S. Patent 6,278,490). Claims 6-8, 24-26, 42-44, and 60-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of Sanner (U.S. Patent 4,757,386). However, Fukuda and Sanner are relied upon solely to meet limitations in various dependent claims. However, since the rejected dependent claims inherit the limitations of independent claims 1, 19, 37, and 55, the rejection based on the additional references to Fukuda and Sanner should be withdrawn in view of the foregoing discussion.

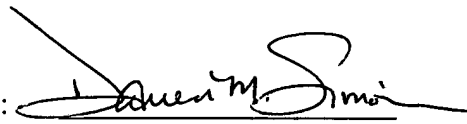
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

Darren M. Simon
Reg. No. 47,946
(212) 588-0800